

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

ANDREW HOLLAND /

Case Number: 10-30029

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

☐ (1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- ☐ under 18 U.S.C. § 924(c).

☐ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☐ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☒ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

☒ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ☒ (a) nature of the offense - Defendant is charged in a Criminal Complaint with Interstate transfer of obscene material to a minor.
- ☒ (b) weight of the evidence - The evidence is very strong, and includes his admission.
- ☒ (c) history and characteristics of the defendant - Defendant has a prior conviction for a similar offense.
 - ☒ 1) physical and mental condition - Good physical health. History of sex offender counseling.
 - ☒ 2) employment, financial, family ties - Has family ties, including three young children. He is employed.
 - ☒ 3) criminal history and record of appearance - Prior felony conviction for almost identical offense.
- ☒ (d) probation, parole or bond at time of the alleged offense - Defendant was discharged from probation less than one year ago.
- ☒ (e) danger to another person or community - This defendant appears to be incapable of resisting the urge to transmit sexually explicit materials to minors, despite a previous conviction and a counseling program. Pretrial Services views him as a danger to the community. I agree. His offense conduct was directed to a particular victim (undercover police officer). He pirated the internet service of a neighbor to conceal his activities. I have no confidence that he will abide by any bond restrictions against continued abuse of children.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: January 28, 2010

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge